

TRANSMITTAL OF RULES ADOPTED

620.25

FROM: Washington State Liquor Control Board
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules ☒ , being order No. 18
Emergency rules ☐

relating to (Name of rules or description of subject matter)

Rule 49 BEER WHOLESALE PRICE POSTING, being a portion of TITLE III.--
BREWERS, BEER WHOLESALESAERS, BEER IMPORTERS AND HOLDERS OF CERTIFICATE
OF APPROVAL (WAC 314-20-100), and Rule 81 WINE WHOLESALE PRICE POSTING,
being a portion of TITLE IV.--DOMESTIC WINERIES, WINE WHOLESALESAERS, WINE
IMPORTERS, AND WHOLDERS OF CERTIFICATE OF APPROVAL (WAC 314-24-190).

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3324 ① filed with the code reviser
on 1-6-72 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Washington on 1-13-72 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 2-14-72 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 13th day of January 19 72

STATE OF WASHINGTON
FILED
JAN 13 1972
CODE REVISER'S OFFICE
1 KEY# FILE #

Washington State Liquor Control Board
(AGENCY)

By Jack C. Hood
Chairman
Title _____

- ① NOTICE OF PUBLIC MEETINGS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE IF PUBLIC MEETINGS WERE CONVENED, (SEE NO. OF LAST NOTICE)
② NOTICE OF PUBLIC MEETINGS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE IF PUBLIC MEETINGS WERE CONVENED, (SEE DATE OF LAST NOTICE)
③ NOTICE OF PUBLIC MEETINGS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE IF PUBLIC MEETINGS WERE CONVENED, (SEE DATE OF LAST NOTICE)
IF PUBLIC MEETINGS WERE CONVENED, THE DATE OF THE ORDER OF IS PRESCRIBED.
RECEIVED BY THE CODE REVISER'S OFFICE IN SUCH SPECIAL CASES.

Form Revised, Effective 9/9/71

Resp to Costco RFP
3037

[FORM CR-2

**PLAINTIFF'S
EXHIBIT**

CASE
NO. **CV04-0360P**

EXHIBIT
NO. **046**

TX046_001

WASHINGTON STATE LIQUOR CONTROL BOARD

RESOLUTION NO. 25

Administrative Order No. 18
LCB Order Register (WAC 1-12-040)

A RESOLUTION Relating to permanent rules of the Washington State Liquor Control Board.

BE IT RESOLVED, BY THE WASHINGTON STATE LIQUOR CONTROL BOARD:

Section 1. The annexed regulations, to wit:

WAC 314-20-100 and 314-24-190 are hereby approved and adopted as permanent rules of the Washington State Liquor Control Board, effective February 14, 1972.

Sec. 2. This resolution and annexed rules, after being first recorded as an administrative order in the Order Register of the Washington State Liquor Control Board, shall be forwarded to the Code Reviser for filing pursuant to RCW 34.04 and WAC 1-12-050, and forthwith published in pamphlets, which pamphlets shall be distributed free at all liquor stores and agencies and as otherwise directed by the Board.

Dated this 13th day of January, 1972.

WASHINGTON STATE LIQUOR CONTROL BOARD

Jack C. Hood, Chairman

Leroy M. Hittle

Leroy M. Hittle, Member

Don Eldridge

Don Eldridge, Member

Attest:

Ruth Taylor Mayfield
Ruth Taylor Mayfield, Secy.

APPROVED AND FORWARDED:

Arthur Hickey
Arthur Hickey
Assistant Attorney General

Resp to Costco RFP
3038

beer wholesaler shall file with the board at its office in Olympia a price posting showing the delivered wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The delivered wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Prices posted by a beer wholesaler shall be consistent as between the various packages and containers offered for sale.

(6) No beer wholesaler shall file a price on any item which, in fact, constitutes a "post off," "quantity discounts" or "cost of doing business," or a "loss leader," as those terms are defined in Regulation (124) (4). No beer wholesaler shall initiate or be a party to any disruptive pricing practices.

(7) Wholesale prices on a "close-out" item shall be accepted by the board only if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price. The wholesale price on such item shall be deemed acceptable only if it is in compliance with the provisions of Regulation (124) (4).

(8) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with Regulation (49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, that prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and Regulation (49.5).

(9) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard

by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(10) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(11) A retail licensee at his option and upon payment of the posted delivered price as defined in Rule (49) of these regulations, may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee.

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.